

**HOUSE CONCURRENT RESOLUTION NO. 82**

(By Delegates Gearheart and Ellington)

1  
2  
3  
4  
5  
6 Requesting the Legislature establish a Joint Legislative Committee  
7 on Public Service Commission Accountability and Effectiveness  
8 for the purpose of studying the accountability and  
9 effectiveness of the Public Service Commission, and proposing  
10 legislation consistent with the committee's findings.

11 WHEREAS, Rising utility costs continue to consume a greater  
12 portion of the incomes of West Virginians and act as an impediment  
13 to economic development; and

14 WHEREAS, The Public Service Commission was created not only to  
15 regulate and ensure the availability of public utilities, but also  
16 to protect the interest of the using and consuming public; and

17 WHEREAS, The Legislature seeks to address concerns that  
18 sufficient accountability does not currently exist to ensure that  
19 the Public Service Commission is adequately protecting those  
20 interests; therefore, be it

21 *Resolved by the Legislature of West Virginia:*

22 That a Joint Legislative Study Committee on Public Service  
23 Commission Accountability and Effectiveness be created for the  
24 purposes of studying the issue of the accountability and

1 effectiveness of the Public Service Commission, and the feasibility  
2 of creating legislation consistent with the committee's findings;  
3 and proposing legislation to achieve this goal; and, be it

4       *Further Resolved*, That the Joint Legislative Committee on  
5 Public Service Commission Accountability and Effectiveness examine  
6 the following issues in relation to the Public Service Commission:

7       (1) The process of applying for and receiving rate  
8 modifications, including the feasibility of authorizing the  
9 commission to unilaterally decrease rates when an investigation  
10 concludes that consumers are being overcharged;

11       (2) A description of all revisions to policies or practices,  
12 or both, of the commission intended to ensure that utilities adopt  
13 and utilize best management practices in their respective  
14 operations;

15       (3) A description of any current practices or policies, or  
16 both intended to minimize the amount of any possible over-recovery  
17 from rate payers paying interim rates while a rate case is pending;

18       (4) An analysis of the method by which machinery, equipment,  
19 fixtures and infrastructure is depreciated following the  
20 acquisition by a subsequent owner, and whether such method is  
21 consistent with the purposes for which depreciation is allowed;

22       (5) An analysis comparing the current utility rates in each of  
23 the twenty-eight border counties with the comparable rates for the  
24 non-West Virginia counties which share a common boundary with each;

1       (6) Whether an economic impact analysis should be required  
2 with respect to applications for substantial rate increases; and

3       (7) Whether the consumer advocate's actions in principal and  
4 effect have remained consistent with the original intent, and if  
5 not, how to correct such problems; and, be it

6       *Further Resolved*, That the study committee shall consider such  
7 other information or documentation as the committee may request in  
8 order to achieve the goals of this resolution.